



General Assembly

***Substitute Bill No. 462***

*February Session, 2000*

***An Act Establishing A Commission On Racial And Ethnic  
Disparity In The Criminal Justice System.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       (NEW) (a) There is established a commission on racial and ethnic  
2       disparity in the criminal justice system. The commission shall consist  
3       of the Chief Court Administrator, the Commissioner of Correction, the  
4       Chief State's Attorney, the Chief Public Defender, the Commissioner of  
5       Public Safety, the chairperson of the Board of Parole, the chairperson  
6       of the African-American Affairs Commission, the chairperson of the  
7       Latino and Puerto Rican Affairs Commission, or their designees, and  
8       seven members appointed one each by the president pro tempore of  
9       the Senate, the speaker of the House of Representatives, the majority  
10      leader of the Senate, the majority leader of the House of  
11      Representatives, the minority leader of the Senate, the minority leader  
12      of the House of Representatives and the chairperson of the Black and  
13      Puerto Rican legislative caucus. The Chief Court Administrator shall  
14      serve as chairperson of the commission. The commission shall meet at  
15      such times as it deems necessary.

16      (b) The commission shall:

17      (1) Develop and recommend policies for reducing the number of  
18      African-Americans and Latinos comprising the pretrial and sentenced  
19      population of correctional facilities;

20 (2) Examine the impact of statutory provisions and current  
21 administrative policies on racial and ethnic disparity in the criminal  
22 justice system and recommend legislation to the Governor and the  
23 General Assembly to reduce such disparity;

24 (3) Research and gather relevant statistical data and other  
25 information concerning the impact of disparate treatment of African-  
26 Americans and Latinos in the criminal justice system;

27 (4) Develop and recommend a training program for personnel in  
28 agencies involved in the criminal justice system concerning the impact  
29 of disparate treatment of African-Americans and Latinos;

30 (5) Research and examine the issue of the use of guidelines by courts  
31 when sentencing criminal defendants and recommend whether the  
32 General Assembly should create a sentencing guidelines commission  
33 to establish sentencing guidelines for state courts;

34 (6) Examine whether the General Assembly should require that a  
35 disparate impact statement be attached to any bill affecting criminal  
36 law or procedure to evaluate whether the bill would have a disparate  
37 impact on racial or ethnic minorities;

38 (7) Annually prepare and distribute a comprehensive plan to reduce  
39 racial and ethnic disparity in the criminal justice system without  
40 affecting public safety; and

41 (8) Submit an annual report to the Governor and the General  
42 Assembly concerning:

43 (A) The number of African-Americans and Latinos comprising the  
44 pretrial and sentenced population of correctional facilities;

45 (B) The progress being made toward reducing the number of  
46 African-Americans and Latinos comprising the pretrial and sentenced  
47 population of correctional facilities;

48 (C) The adequacy of legal representation for indigent defendants;

49 (D) The adequacy of the number of residential and nonresidential  
50 treatment slots available for African-Americans and Latinos;

51 (E) The adequacy of the number of court interpreters; and

52 (F) Such other information as the commission deems appropriate.

53 (c) The commission shall report to the General Assembly, not later  
54 than January 1, 2001, and annually thereafter, concerning additional  
55 resources that should be made available to reduce racial and ethnic  
56 disparity in the criminal justice system without affecting public safety.

**PS Committee Vote:** Yea 22 Nay 0 JFS C/R JUD